UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,766	08/31/2001	John R. Cartus	00225	2761

26285　7590　03/14/2005		EXAMINER
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP		SKED, MATTHEW J
535 SMITHFIELD STREET		
PITTSBURGH, PA 15222	ART UNIT	PAPER NUMBER
	2655	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/944,766	CARTUS, JOHN R.
Office Action Summary	Examiner	Art Unit	
	Matthew J Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *31 August 2001 and 18 October 2001* is/are: a) ☐ accepted or b) ☒ objected to by the
Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *6/19/02*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because many of the drawings have handwritten

elements and titles. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. The

objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Neumann (U.S. Pat. 5,303,151).

As per claims 10 and 19, Neumann teaches an apparatus and system for

assisting a language translator, comprising:

a target text unit definition module (user desires to translate source language into

a target language hence it would necessarily need a module to define the source

language, col. 4, lines 65-68);

a source text unit definition module (source language preparer prepares the

source document for translation, col. 6, lines 39-48);

an entry preparation module (translation handle generator underlines source text

to translate and inserts a translation handle after the underlined area for future insertion

of the target text, col. 7, lines 1-20); and

a source text unit delete module (deletes source text after translation, col. 16,

lines 27-30 and Fig. 15B).

4.   As per claim 11, Neumann teaches an execution check module (determines if

source language terms still remain to be translated, col. 10, lines 9-13).

5.   As per claim 12, Neumann teaches a cursor paragraph module (retrieves

paragraph of the current insertion point for the insert target term command, col. 8, lines

24-33).

6.   As per claim 13, Neumann teaches a cursor move module (move forward and

move back commands, col. 47).

7.   As per claim 14, Neumann teaches a non-empty paragraph find module (tag

paragraph program uniquely identifies each paragraph in the source language

document, col. 6, lines 55-61).

8.   As per claim 15, Neumann teaches a move module (moves position indicator

every time a new source term is compared, col. 13, lines 30-32).

9.   As per claim 16, Neumann teaches a character scan module (deletes all

paragraph tags hence it inherently scans for the tags in the text, col. 65)

10.   As per claim 17, Neumann teaches a variable re-initialization module (assigns a

paragraph tag to every paragraph sequentially from a first to last paragraph, this

inherently needs to be re-initialized for every new source document, col. 10 line 53 to

col. 11, line 9).

11.   As per claim 18, Neumann teaches a stop module (if all source terms have been

translated then the translation stops and returns to the word processor, col. 10, lines 42-

46).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Neumann.

        As per claims 1, 6, and 8, Neumann teaches a computer-assisted method,

apparatus and a computer readable medium for assisting a language translator,

comprising:

        highlighting an area of source text to be translated into a target language

(emphasizes the source text by underlining it, col. 4, lines 33-37);

        allowing insertion of text in the target language before the highlighted area of

source text (inserts target language text at the insertion point which is prior to the

source language text, Fig. 14B, element 1404); and

removing the highlighted area of source text after insertion of text in the target

language (deletes underlined source text after translation, col. 16, lines 27-30 and Fig.

15B).

Neumann does not specifically teach nor suggest inserting the text in the target

language following the source text.

However, the Examiner takes Official Notice that it would have been obvious to

one of ordinary skill in the art at the time of invention to modify the system of Neumann

to alternatively insert the target language text following the highlighted area because

there are no advantages to inserting the target text following the highlighted area as

opposed to before it. Both methods would work equally well and serve the same

purpose.

14.   As per claims 2, 7 and 9, Neumann teaches:

determining if a second area of source text is available for translation

(determines if source language terms still remain to be translated, col. 10, lines 9-13);

and

highlighting the second area of source text when the second area of source text

is available for translation (performs underlining for each source term, col. 4, lines 33-

37).

15.   As per claim 3, Neumann does not specifically teach or suggest determining if

the execution of the method is a first iteration of the method.

However, the Examiner takes Official Notice that processing would differ in

translation systems between the first and future iterations. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of invention to modify the

system of Neumann to determine if the current execution is the first iteration because

this would indicate to the system that certain preprocessing must be done such as

initializing variables and moving the translation dictionaries into active memory.

16.   As per claim 4, Neumann teaches defining the area of source text prior to

highlighting the area of source text (matches source terms in product glossary hence

defining them prior to underlining, col. 4, lines 33-37).

17.   As per claim 5, Neumann teaches executing the method for each paragraph of

source text in a document (performs translation of entire source document hence

performing it for every paragraph, Fig. 20B).

Conclusion

18.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Kumano (U.S. Pat. 5,978,754), Ogilvie (U.S. Pat. Pub.

2003/0040899A1), D'Agostini (U.S. Pat. 2003/0040900A1), and Scanlan (U.S. Pat.

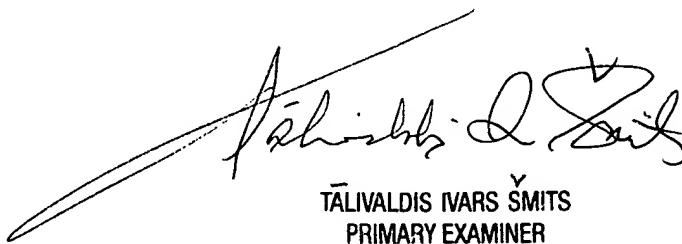6,857,022) teach systems for assisting users in language translation.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew J Sked whose telephone number is (703) 305-

8663. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Talivaldis Smits can be reached on (703) 306-3011. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MS
03/09/09

TALIVALDIS IVARS SMITS
PRIMARY EXAMINER